

U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILED

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

2022 AUG 16 PM 4:09

CLERK

BY A
DEPUTY CLERK

UNITED STATES OF AMERICA)

v.)

AYUB MOHAMED,)

Defendant.)

)

) Case No. 5:22-cr-13

)

GOVERNMENT'S SECOND EX PARTE MOTION UNDER SEAL
FOR REVOCATION OF RELEASE

The United States of America, by and through its attorney, Nikolas P. Kerest, United States Attorney for the District of Vermont, hereby moves for the revocation of release conditions pursuant to 18 U.S.C. § 3148 based on the facts described in the Violation Report dated August 15, 2022, submitted by U.S. Probation Officer Alisha Waite.

On February 7, 2022, Mohamed was arraigned on a single count of possessing a firearm with an obliterated serial number in violation of 18 U.S.C. § 922(k). Mohamed was released on conditions at that time. He twice admitted to using marijuana, but no action was taken upon those violations. Another violation report was filed on July 27, 2022, which alleged that he repeatedly submitted diluted urine samples during drug testing, that he twice had unreported contact with law enforcement, and that he consumed alcohol despite being underage. The United States sought and obtained a warrant for the defendant's arrest based on those alleged violations, and the defendant was arrested and appeared in Court on July 29, 2022. Following a hearing, the Court denied the motion for revocation and again released the defendant upon conditions of supervision, which now including the addition of a curfew condition.

On August 15, 2022, the United States received a fourth violation report regarding the defendant from Probation Officer Waite. The report indicates the defendant was arrested for

driving under the influence following an incident on August 13, 2022, at approximately 4:37 am, where an officer observed the defendant operating a vehicle recklessly, including driving the wrong way on a one-way street. When the officer interacted with the defendant following a traffic stop, the defendant denied he had consumed alcohol. The defendant refused, however, to provide a breath test and was unable to successfully perform standardized field sobriety tests. The timing of the incident violated the defendant's curfew condition [Condition 7(cc)], and the defendant's offense violated the condition prohibiting additional crimes while on release [Condition 1]. The defendant reported the law enforcement contact to Probation Officer Waite, and he admitted that he was breaking curfew, but his explanation for the incident was that he was asked to transport an intoxicated friend who needed a ride. That explanation, if true, would not excuse the offense or the violation of his conditions. Yet the vehicle the defendant was driving lacked a front driver's side tire, indicating both that the defendant likely wrecked the vehicle through his own intoxication and that the defendant misrepresented the circumstances to his supervising pretrial services officer.

The government now requests this Court issue a warrant to bring defendant Mohamed before the Court to again demonstrate why his conditions of release should not be revoked based on additional violations after his previous revocation hearing. The government also requests that this motion and accompanying docket entry be sealed until the warrant has been executed. Sealing this motion will help ensure that the defendant will not flee before his arrest or be unreasonably confrontational during future law enforcement interactions.

Dated at Burlington, in the District of Vermont, August 16, 2022.

Respectfully submitted,

UNITED STATES OF AMERICA

NIKOLAS P. KEREST
United States Attorney

By:


MATTHEW J. LASHER
Assistant U.S. Attorney
P.O. Box 570
Burlington, VT 05402-0570
(802) 951-6725